

# **EXHIBIT F**



[Line numbering in Hebrew original]

Date: March 10, 2003

File Number: 3739/02

**Military Court  
Beit El  
Transcript**

Court Hearing dated March 10, 2003

Before the Presiding Judge:  
Lieutenant-Colonel Netanel Benichou  
Judge: Captain Yitzhak Ozadin  
Judge: Captain Ben Zion Shefer

Prosecutor: Legal Officer Rostislav Pasek

Defense Attorney: Not represented

**Defendant: Nasser Jamal Mousa Shawish**

**Identity No. 993006188/ Prisons Service – Present**

**Recorder: Corporal Sivan Shemesh**

**Interpreter: Staff Sergeant Mohamed Nasreddin**

**The Presiding Judge opens the hearing and identifies the Defendant.**

**HEARING**

Prosecutor: I submit the Defendant's criminal record. **Accepted and marked Prosecution/20.**

Defendant: No evidence for penalty.

Prosecutor, summarizing: The Military Prosecution moves to sentence the Defendant to three terms of life imprisonment, to be served cumulatively, in respect of the murder of three people in the terrorist attack carried out in King George Street in Jerusalem on March 21, 2002. In addition, the Military Prosecution moves to sentence the Defendant, cumulatively, to a term of life imprisonment, for the rest of the offenses of which he has been convicted. The Defendant began his criminal path this time with his enlistment in the al-Aqsa Martyrs Brigades at the beginning of 2001. The Defendant set himself the goal of attacking Israeli civilians and Israel Defense Forces soldiers, both within the Region and in the territory of the State of Israel, with the aim of causing their deaths. The Defendant worked diligently, decisively, and mercilessly to achieve this base goal. Inter alia, the Defendant's activities included carrying out numerous

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the penalties be made cumulative." Similarly, in Criminal Appeals 4419/99, Justice Heshin stated that, when we are dealing with the taking of human life, preserving the sanctity of life is fundamental to the purpose of punishment. I would also like to refer to a case from this Court, File No. 40056/98, in the matter of Muahid Sa'id, which adopted the approach of the Supreme Court in this case. In addition to that terrible, cruel terrorist attack in whose execution the Defendant was a participant, the Defendant was also a participant in carrying out additional terrorist attacks, among them the suicide terrorist attack carried out on February 27, 2002, at Maccabim checkpoint on Road 443, as a result of which an Israel Police officer was seriously injured, and two other policemen were also wounded. The Defendant's record, too, is not clean, and cannot stand in his favor. The public interest, deterrence of individuals and groups, and the removal of people, such as the Defendant, who constitute a danger to the public wellbeing, requires that the Defendant be given the penalties which the Military Prosecution has requested.

Defendant, summarizing: The Court has submitted an indictment against me, and all of the episodes and accusations attributed to me, and I am today standing here and submitting an indictment of the occupation. Because it is the occupation that pushed a person to do things such as the things that I did. Who can judge the occupation? We have the ability to do so. The Palestinian people's right of resistance against the occupation, and this item is in line with international laws, and [it is] international law that gives the Palestinian people the full right to defense itself, as we see with all other nations, whose land has been conquered, and the Palestinian people is no less than the other nations. We accepted peace, when we were, at the time, partners in peace, but following the cruel occupation against our people. A leadership that cannot be opposed by flowers, or by raising the white flag, according to the Geneva Convention, all its decisions, particularly the Fourth [Geneva Convention (?)] and international law and the decisions of the United Nations, gives the Palestinian people the right to resist the occupation. Therefore, my resistance is legal against the occupying invasion, which denies the rights of our people, [through] killing and destruction and closure, starvation, harassment, and torture, and the injustices of the settlers. All these are unlawful activities. The second count, the actions of the occupation. These actions are probably to suppress the Palestinian people, which opposed the way of peace, through demonstrations and ceremonies, of course this is legal by reason of democracy. To prove the cruelty of the occupation and their killing of children. First, the killing of Mohamed Dura, Iman Hijjo and Fares Odeh, Sara Abdel Haq, and the slaughter that took place in the Jenin Camp, the Balata Camp where 6 children were killed, the oldest being no older

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than 10 years of age, and the others being innocent children. The third count is the indiscriminate attack, without distinction, and the war against the times and against history and culture, the destruction of historic homes and the holy places, the uprooting of trees, the attempts at assassination. I had a part, on January 5, 2002, in the actions [against] the occupation, and the reentry into areas that had been returned pursuant to the arrangements with Israel, and on the basis of this, Your Honor, it is our right to ask, as Palestinians, is it this occupation that pushes us to resist, did not the Jews do so in Western and Eastern Europe? Didn't the French fight against the Nazis in the Second World War? So why is it forbidden for our people to have the right to resist? Is it possible that other nations have that right, but not ours? I stand before you today, one of those who enlisted in the apparatus of the Palestinian Authority, with the aim of protecting the agreements, the peace, the calm, and to return them to our people and our land, and to establish a Palestinian State. I was an officer with the [Palestinian] Authority, to protect the peace, as far as possible, with all the other nations in the world. Notwithstanding this, I and my family, we have been done an injustice by destruction and killing. My eldest brother was killed by the Israeli Army, and this is because of the occupation. My sixth brother came under fire from tanks in Ramallah; there are still 14 bullets in his body, and he is today confined to a wheelchair. When we tried to take him outside the Region, to obtain treatment, your government refused. Can our soldiers and officers stand by and watch their Palestinian nation murdered on a daily basis? What soldier can bears arms in the face of the murdered children of his people? Do you accept this issue for your people? Are your rights different from those of other nations? The indictment that I have brought before you today, and I know what my judgment will be. I knew it even before my arrest by the Israeli Army in Nablus. It is a sentence

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of death intended for anyone who carries with him a Palestinian [identity (?)] card, and anyone who bears arms and says No to the occupation, and No to injustice, and No to the daily murder of children at the Israeli checkpoints. Death has many forms. But in the end it is the same death. Whether it is by a missile from a helicopter, which was prepared especially to kill me on January 5, 2002, or by a hand grenade placed by the Israel Security Agency in the car that I normally used in Ramallah, on March 17, 2002. There is no difference between death in this way or death behind bars under Israeli control. It is death. Actual death is conditional death. I ask the Court to give me the right to defend myself, not to defend myself, but to defend the Palestinian people as a whole, which is being murdered daily by all unlawful means, only because it refuses to accept the occupation. It is the occupation that has removed the smile from the face of the Palestinian people. The children dying of hunger. And those who do not die are shot by the Israelis. I stand here to correct your errors, and those of the Israeli street, which only hears and sees one side. I ask you: what is terror to you? Is it the girl child, Iman, who was murdered in her mother's arms by an Israeli sniper, or the baby boy born to a female prisoner in Ramle Prison a week ago, or the harsh occupation of our land, which arrests fetuses in their mothers' wombs, so that they should not grow up tomorrow and defend their homeland? Is a terrorist one who stands outside his home and uses a weapon to oppose tanks, a weapon whose cost he scraped together after selling his mother's and his wife's jewelry, so as to obtain it and defend his children and his home? Someone who lost his freedom because of all the military checkpoints? We are all these, who have had all these issues. Do we not have the right to resist the occupation, or take revenge against it? Shall we let the occupation do as it wishes, what it wishes, or will we be for terrorists. I say to this honorable court, if you were to suffer what these people have suffered, would you not come to me so that we should prepare you and send you for a suicide terrorist attack. Why are you looking for a reason? The only reason is the occupation, which has forced a person to blow himself up, to take revenge. And after the death of this suicide [fighter], you went on to destroy his house because he carried out this act of vengeance. You leave out the reason that sent him there. You destroy his house to deter others. [By] this act, of destroying his house, you declare the doors of Tel Aviv open for action. For the suicides it is an easy death, a cup of water is more expensive than a cup of blood, all because of the occupation. What is the reason that led me, a married man with children, to leave his home and his children, to be exposed to the attacks of the Israel Security Agency? What caused me to take up arms and prepare bombs and send suicide [bombers]? What caused me, and another 7000 prisoners, and 3000 dead over the two years of the Intifada. I say that it is the occupation that caused it. No one has come out of this

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occupation in peace. They even uproot the trees from our lands for no reason. The only reason is that there is a Palestinian hiding behind it. If you want to enforce the law, then enforce it on everyone. Although my sentence is being passed today by a military court, all the defendants have to be here, those who attacked and those who were attacked, and not just those who were attacked. According to democratic law, there should be here the pilot who wiped out the who of the Abu Kawak family, two wives and three children, murdered in their car from a helicopter, everyone heard about that announcement. It happened in front of my eyes, and I was one of the first to come and help, and I took part in taken them out the car, in pieces. This pilot is the terrorist, and he should be on trial here in the military court. There is another pilot, who dropped two missiles from a helicopter on the civilian prison in Nablus. 12 innocent guys, with no connection to the Intifada, were killed in that operation. This incident was in front of my eyes. There is the driver of the bulldozer, who destroyed a house in the old city of Nablus, when the [Army] came in. the residents of the house were murdered under the ruins – 9 people, a father and his children. Is this not slaughter and terror? Why are they not on trial for this injustice, why is the military unit, that murdered five members of the Preventive Security Service on April 8, 2002, not on trial? It happened in front of my own eyes. I hid behind trees, I and others, because we had run out of bullets. Does the conduct of the occupying Israeli Army indicate humanity and peace? The proof of this is the slaughter in Jenin, led by the present Prime Minister, and he

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is wanted by the Belgians and by international law as a war criminal. Indeed, Your Honor asks me, when I stand and see all these things, facing the body of my brother, torn to shreds by the bomb of the Israeli Army, how can I simply watch this? The villages liberated by the Agreements scare our children every night with the sound of the bombings, until they have come to a stage in which they don't sleep at night, all this out of fear of the Israelis that they drink in from the sounds of the tanks and the tear gas. We and our children don't need tear gas in order to cry. The slaughter of the occupation is sufficient to make us cry, day and night. What the occupation has done to us and to our children, this criminal situation, was nothing less than the result of this occupation. To hell with the children of the world, if the children of my people cannot live. How they invade our villages, with tanks and shooting and helicopters, and scare us in our homes, we will break into your homes, and also with our suicide [fighters], that we will reach the streets and neighborhoods, and frighten the children and the women. Exactly as we [sic, should be "you"] do to us. We do not have helicopters or tanks that we can shoot with. We have nothing other than our bare breast and rusty weapons, and all this to prove that the Palestinian people, even if there remains only one child, will resist your injustice and conquer you until you retreat from our land. How do they want us to believe in these courts? Who support the strong over the weak. The Court is the aggressor and the judge. When the tanks came in, all the peace agreements signed with our partner, the late Yitzhak Rabin, ended. It was he who fought to achieve peace and for the two people. he was murdered only because he allowed the dove of peace to fly for the two peoples. This is the racism. How does a Jewish girl have the right to begin a campaign against the Palestinians, in revenge for the death of her brother by the Palestinians. This girl will come out from her house and incite toward the murder of the Palestinians. When the media asked her if she regrets what she did, then she answered that she regretted that the person wounded did not die. She sees this act as defense and as vengeance for the murder of her friends. If she has the right to take revenge for the death of her brother, then I also have two brothers who were murdered by the occupation. I know that, after my sentence is passed, my home will be destroyed. This court and its decisions don't interest me. I do not ask you to have mercy on me. I do not regret my actions. I do not recognize this court, which is a court of the Israeli occupation. If they would kidnap me from the lands that were liberated, when I would defend the honor of the land and the honor of my people [sentence unclear]. If the court were to free me today, I would go free and would search for the location of the weapons, before looking for my children. My children are wandering from house to house because of the occupation. I will go back to resisting the occupation anew. And I am not asking for mercy today

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because you are those who, when you want to give respect to someone, you respect him with your shooting and killing. In spite of all the years that you are going to impose on me. Every tear that I have cried behind bars in jail, it is that which will break open the doors to freedom. See how the occupation withdrew from Southern Lebanon, and left its prisons full of prisoners, this is how it will be with us as well. My people will come and liberate us. There needs to be court to try the officers, foremost among them Ariel Sharon and Shaul Mofaz. One last word: we are not terrorists, but rather a people of peace. We are against killing on both sides, and respect people despite their citizenship, whether they are Jew or Arab or something else, but we hate aggression and refuse to [accept] it. The time has come that the occupation know about all its deeds and be paid back. Palestinian blood is not cheap. I ask you, in my own voice and speaking for the whole of the people, to leave us to live in peace on our land, and to remove the courts and checkpoints to Tel Aviv. You have done enough destruction at a time of construction and progress. You are aware that we are the last nation to be conquered by another throughout the world. We will even resist you from the jail itself, and from the grave. We want to live like other nations and like other people in a state which doves of peace and lovebirds can fly. We want the rain to be of water, and not of blood. Until I die, every day and every hour that I will be in prison will be an honor for me and for my family.

[Stamp] P 5: 62 [continued]



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARK I. SOKOLOW, *et al.*,

Plaintiffs,

vs.

THE PALESTINE LIBERATION  
ORGANIZATION, *et al.*,

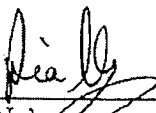
Defendants.

No. 04 Civ. 00397 (GBD) (RLE)

DECLARATION OF RINA NE'EMAN

Rina Ne'eman hereby certifies as follows:

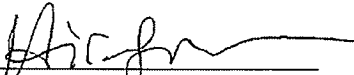
1. The attached translation from Hebrew to English is an accurate representation of the document received by Rina Ne'eman Hebrew Language Services, to the best of my knowledge and belief. The document is designated as P5: 59-62.
2. I am a professional translator with a B.A. in International Relations from the Hebrew University of Jerusalem (Israel) and 30 years of translation experience. I am fluent in Hebrew and English, and I am qualified to translate accurately from Hebrew to English.
3. To the best of my knowledge and belief, the accompanying text is a true, full and accurate translation of the Hebrew-language document bearing the bates number, P5: 59-62.

  
\_\_\_\_\_  
Rina Ne'eman

ss.: New Jersey

On the <sup>h</sup>~~28~~ day of February, 2014 before me, the undersigned, personally appeared Rina Ne'eman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is signed to this Declaration and acknowledged to me that he executed the same in his capacity, and that by his signature on this Declaration, the individual executed the Declaration.

Sworn to me this  
~~28~~ day of February, 2014

  
\_\_\_\_\_  
Notary Public

